

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

ANTHONY E. WHITE,)
)
Plaintiff,)
)
v.) Case No.: 5:13-cv-00684-F
)
CATERPILLAR LOGISTICS, INC.,)
)
Defendant.)

**DEFENDANT'S MOTION TO SET PRETRIAL CONFERENCE AND TO STRIKE
PLAINTIFF'S "MOTION TO PROCEED GRANT JUDGMENT BY DEFAULT"**

Defendant, Caterpillar Logistics Inc. ("CLI"), by its counsel and pursuant to Federal Rules of Civil Procedure 12(f)(2) and 16, respectfully submits this Motion to Set Pretrial Conference and to Strike Plaintiff's Motion to Proceed Grant Judgment by Default (Doc. 34). In support of its Motion to Strike, CLI states that Plaintiff has now filed a third motion requesting entry of a default judgment, which is redundant of his first two motions and the grounds asserted are immaterial. Further, CLI requests that this Court set a pretrial conference to provide instruction and guidance for the ongoing litigation of this case.

WHEREFORE, CLI respectfully requests that the Court enter an order striking Plaintiff's Third Motion for Default and setting an in-person pretrial conference at an early date.

This the 20th day of February, 2014.

By /s/ John T. Murray

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CATERPILLAR INC.

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Defendant.

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CERTIFICATE OF SERVICE

I certify that on February 20, 2014, I served a true and correct copy of the attached Defendant's Motion to Set Pretrial Conference and to Strike Plaintiff's "Motion to Proceed Grant Judgment by Default" via first class U.S. mail, with adequate postage prepaid, addressed as follows:

Anthony E. White, *pro se Plaintiff*
103 Rock River Road
Morrisville, North Carolina 27560

/s/ John I. Mabe
Counsel for Defendant